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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,178	12/27/2000	Takuya Uchiyama	1614.1108	2991

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EXAMINER

AWAD, AMR A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 12/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,178

Applicant(s)

UCHIYAMA, TAKUYA

Examiner

Amr Awad

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US patent NO. 5,406,307; hereinafter referred to as Hirayama).

As to independent claim 1, Hirayama (figures 3B, 4A and 4B) teaches a coordinate detection device that includes, an input unit (input tablet 2) which has a surface thereof to which a coordinate value is input by an input means (pen 3) (col. 3, lines 7-23). Hirayama teaches a calculation unit which calculates a difference between previous and current coordinate values input by the input unit (the difference between the previous and current coordinate values are the difference between the initial position of the pen 3 and the final location (designated by the position of the cursor 42), wherein the coordinate values being successive over detachment of the input means (the successive detachment is carried out by touching an icon on the display; drags the pen and then releasing the pen (i.e., detachment)) (col. 4, line 65 through col. 5 line 12 and abstract). Hirayama teaches setting a coordinate value input last before the input means is detached from the surface of the input unit as the previous coordinate value to a coordinate value input first after the input means is detached from the surface of the

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input unit (this is carried out by having the position of the pen (3) before detached is the same after detaches which allows the enlarging of the window) (col. 6, lines 3-21).

Hirayama does not expressly teach that the coordinate values before and after the input means (3) is detached.

However, it is known to a person of ordinary skill in the art that the location of the stylus in each movement of the pen (3) is stored in the memory (col. 4, lines 19-23).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that the coordinates of the input means is always stored in the memory so as to be able to update the location of the pen and that can't be accomplished without storing it in a memory.

As to claim 2, the flowchart of figure 4A of Hirayama's device, the step S7 where the device checks whether the user holds up the point of pen 3, and based on the condition, the device changes the mode either moving the enlarged icon (step S8) or step S9 whereat the icon is activated (col. 6, lines 3-21) which fairly reads on the changing of the operation mode.

As to claim 3, Hirayama teaches that the determination of the operation mode of the input unit is based on a contact area formed by a contact of the input means with the surface of the input unit (col. 6, lines 3-21).

As to claims 5-7, method claims 5-7 are substantially similar to apparatus claims 1-3 and would be analyzed as previously discussed with respect to claims 1-3.

As to claims 9-11, the claims are substantially similar to the device of claims 1-3 and would be analyzed as previously discussed with respect to claims 1-3.

As to claims 13-15, method of claims 13-15 is substantially similar to the method of claims 5-7 and would be analyzed as previously discussed with respect to claims 5-7.

3. Claims 4, 8, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama as applied to claims 1 and 5 above, and further in view of Furuhashi et al. (US patent NO. 5,943,043; hereinafter referred to as Furuhashi).

Note the discussion of Hirayama above. As can be seen Hirayama teaches all the limitations of claims 4, 8, 12 and 16 except the citation of determining the operation mode of the input unit based on a time during which the input means is detached from the surface of the input unit.

However, Furuhashi (figure 4) teaches a touch panel device wherein the action taking in the device is based on the time (col. 5, line 45 to col. 6, line 6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the changing mode of the device based on the time, to be included in the Hirayama's device so as to provide an accurate output based on the user's determination.

Response to Arguments

4. Applicant's arguments filed 9/5/2003 have been fully considered but they are not persuasive.

As to the rejection under 35 U.S.C. 112-2nd paragraph, the rejection has been withdrawn.

Applicant (second paragraph of page 7) argued that independent claims 1 and 5 as amended recite "calculating a difference between coordinate values of previous and current input operations.... the coordinate values being successive over detachment of the input means...." Applicant argued that these features are not taught or suggested, in any lines cited by the Examiner, or anywhere else within Hirayama. Applicant also argued that Hirayama does not disclose calculating a difference between coordinate values of previous and current input operations with the coordinate values being successive over detachment of the input means from the surface of an input unit. Examiner respectfully disagrees.

Examiner has to use the broadest reasonable interpretation in analyzing claims. In doing just that, Examiner believes that the claims are broad enough to read on the cited references. Independent claims 1, 5, 9 and 13, do not specifically recite that the difference between the coordinate values of previous and current input operation is the difference in distance between the current and previous operation. The claims simply state "calculating a difference between coordinate values. Therefore, the difference can be simply calculating the difference between the first point (when the user touches an icon displayed) and when the user drags and then release (detaches) the pen, which is taught by Hirayama (abstract). The successive detachment recited in the claims can be simply the touch, drag and then release (detachment) taught by Hirayama. Applicant (middle of page 7) argued that Hirayama merely compares a "shift amount of the pen coordinate with a reference shift". Examiner submits that such comparison taught by Hirayama can fairly read on the broad limitation recited in the independent claims of

calculating a difference between coordinate values. Applicant argued that the Examiner does not describe a location of stylus of a pen is stored in memory. Examiner submits that such limitation is not recited in the independent claims.

Applicant (top of page 8) argued that Hirayama does not teach, the recited feature of claim 2's control unit, which enables or disables a setting unit based on determination result of a determination unit. Examiner believes that the flowchart of figure 4A of Hirayama's device, the step S7 where the device checks whether the user holds up the point of pen 3, and based on the condition, the device changes the mode either moving the enlarged icon (step S8) or step S9 whereat the icon is activated (col. 6, lines 3-21) fairly read on the limitations.

Applicant (bottom of page 8) argued that no motivation stated within the cited art to combine in the manner proposed by the Examiner. Examiner submits that it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references, as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Dai (US patent NO. 5,732,154) teaches a handwriting and character recognition system.

Nakashima (US patent NO. 6,369,807) teaches an online character entry device

Yoshi (US patent NO. 6,560,359) teaches a data processing method and a hierarchal-segmenting pre-processor.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703)308-8485. The examiner can normally be reached on Monday-Friday, between 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras can be reached on (703)305-9720. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750.

A handwritten signature in black ink, appearing to read 'Steven Saras', is positioned above the printed name and title.

STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A.A
November 26, 2003